

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Emanuel "Manny" Hernandez;) File No.: EB-TCD-17-00024357
Click Cash Marketing, LLC; and)
Rock Solid Traffic)

CITATION AND ORDER

UNAUTHORIZED TEXT MESSAGE VIOLATIONS

Adopted: December 21, 2018

Released: December 21, 2018

By the Division Chief, Telecommunications Consumers Division:

I. INTRODUCTION

1. The Telecommunications Consumers Division (Division) of the Federal Communications Commission's (Commission's) Enforcement Bureau has identified Emanuel "Manny" Hernandez as the originator of unsolicited text messages (robotexts). This CITATION AND ORDER (Citation) notifies Mr. Hernandez, Click Cash Marketing, LLC and Rock Solid Traffic (collectively, Hernandez), that Hernandez violated the law by sending telemarketing text messages to numbers on the Do-Not-Call registry (DNC). We therefore direct Hernandez to comply with the Communications Act of 1934, as amended (Communications Act or Act), including the Telephone Consumer Protection Act (TCPA), and the Commission's rules (Rules), which prohibit making calls to residential consumers who list their numbers on the DNC. If, after receipt of this Citation, Hernandez fails to comply with these laws, he may be liable for significant fines.

2. Notice of Duty to Comply With Law: We issue this Citation pursuant to Section 503(b)(5) of the Communications Act, which states that the Commission may not impose monetary forfeitures against non-regulatees who violate the Act or the Rules unless and until: (a) the Commission issues a citation to the violator; (b) the Commission provides the violator a reasonable opportunity to respond; and (c) the violator subsequently engages in conduct described in the citation. Accordingly, Hernandez is hereby on notice that he (and any entity through which he does business) must comply with Section 227 of the Act and Section 64.1200 of the Rules. If Hernandez subsequently engages in any conduct of the type this Citation describes—violation of the Act or Rules that govern solicitations to telephone numbers registered with the DNC—Hernandez may be subject to civil penalties, including but not limited to substantial monetary forfeitures. In assessing such forfeitures, the Commission may

1 47 U.S.C. § 503(b)(5).

2 See id.

3 See 47 U.S.C. § 227(c); 47 CFR § 64.1200(c)(2). Section 227 was added to the Communications Act by the Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (codified at 47 U.S.C. § 227), and is most commonly known as the TCPA. The TCPA and the Commission's rules restrict a variety of practices that are associated with telephone solicitation and the use of the telephone network to deliver unsolicited advertisements or prerecorded or autodialed telephone calls.

4 This Citation is being issued to the individual, Mr. Hernandez, and the entities through which he conducted business, Click Cash Marketing, LLC and Rock Solid Traffic. Mr. Hernandez terminated Click Cash Marketing, LLC corporate registration in summer 2016, several months prior to the violations in this Citation. See infra para. 5. Rock Solid Traffic, a lead generation tool created by Mr. Hernandez, appears to have no legal existence. See id.

(continued...)

consider both the conduct that led to this Citation and the conduct following it.⁵

II. BACKGROUND

3. The DNC is a list that the government maintains of people who have elected to not receive telephone solicitations.⁶ It is illegal for persons or entities, including advertisers and marketers, to make marketing calls to telephone numbers listed on the DNC. This prohibition includes both voice calls and text messages.⁷ The Commission has held that the prohibitions in the TCPA and the Rules encompass “both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls”⁸ Text messaging has become a routine form of communication. According to one report, American consumers sent 1.66 trillion SMS messages in 2016.⁹ Unscrupulous marketers, fraudsters, and other nefarious actors inundate consumers with unwanted text messages to perpetuate schemes, in violation of the TCPA, and often causing great harm.¹⁰

4. The evidence indicates that Hernandez has flooded consumers with text messages that advertise get-rich-quick schemes. As explained in greater detail below, in October 2016 alone, Hernandez sent telemarketing text messages to wireless phones of consumers, many of whom had listed their numbers on the DNC.¹¹ Hernandez’s robotexting campaigns violate the Communications Act and the Rules.¹²

A. Hernandez’s Text Messaging Business

5. Mr. Hernandez is the founder and CEO of Click Cash Marketing, LLC,¹³ and describes himself as a “Direct Response Marketer and Successful Entrepreneur with over 8 Years Experience

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Neither Click Cash Marketing, LLC nor Rock Solid Traffic are legal entities; therefore, we treat both as mere business names of Mr. Hernandez and hold each jointly and several liable with Mr. Hernandez. *See infra* para. 13.

⁵ *See* S. Rep. No. 95-580, 95th Cong., 1st Sess. at 9 (1977) (explaining that a person or entity that has been issued a citation by the Commission that thereafter engages in the conduct for which the citation was issued, the subsequent notice of apparent liability “would attach not only for the conduct occurring subsequently *but also for the conduct for which the citation was originally sent*”) (emphasis added); *see also* 47 U.S.C. § 503(b)(2)(D) (“In determining the amount of such a forfeiture penalty, the Commission or its designee shall take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”).

⁶ *See* 47 CFR § 64.1200(c)(2).

⁷ *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, 30 FCC Rcd 7961, 8020, para. 120 (2015) (2015 TCPA Order); *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014, 14115, para. 165 (2003) (2003 TCPA Order).

⁸ 2003 TCPA Order, 18 FCC Rcd at 14115, para. 165. The Commission affirmed this on multiple subsequent occasions. *See Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003*, 19 FCC Rcd 15927, 15931, 15934, paras. 8, 17 (2004); 2015 TCPA Order, 30 FCC Rcd at 8016-17, para. 107.

⁹ CTIA, *Annual Wireless Industry Survey*, <https://www.ctia.org/industry-data/ctia-annual-wireless-industry-survey> (last visited Nov. 27, 2017). This does not include the 277.9 billion multimedia messaging service (MMS) messages sent during the same time period. *Id.* Whereas SMS is text only and limited to 160 characters, MMS enables the user to send a variety of media, such as pictures and videos, as messages.

¹⁰ This type of text-based marketing is sometimes called “text spam” or “robotexting.”

¹¹ The issuance of this Citation is timely because the Act only provides a statute of limitations for forfeitures. *See* 47 U.S.C. § 503(b)(6)(B).

¹² 47 U.S.C. § 227(c); 47 CFR § 64.1200(c)(2).

¹³ Click Cash Marketing, *About*, <http://clickcashmarketing.com/about-us/> (last visited Aug. 3, 2018).

Marketing Online.”¹⁴ He incorporated Click Cash Marketing, LLC in South Dakota on October 3, 2014, but terminated the incorporation on June 20, 2016.¹⁵ His company offers a lead generation tool called “Rock Solid Traffic.” Although Rock Solid Traffic itself does not appear to have any corporate, partnership, or other business filings, many of Mr. Hernandez’s customers interact with Mr. Hernandez via Rock Solid Traffic’s website.¹⁶ These interactions include purchasing leads (“traffic”) and leaving reviews. Many if not all of Hernandez’s featured customers and reviewers on the Rock Solid Traffic website participate in affiliate marketing.¹⁷ Because MLM affiliates need a steady stream of new recruits to make money, they hire traffic generators like Hernandez to provide leads. Some of Hernandez’s generated traffic comes from text message advertising as described below.¹⁸

B. FCC Investigation into Consumer Complaints about Unwanted Text Messages

6. The Division reviewed consumer complaints filed with the Commission about unwanted marketing text messages to wireless phones. These complaints reported receiving texts about a variety of subjects including what appeared to be get-rich-quick schemes, loan financing, bank account phishing,

¹⁴ Manny Hernandez, *Facebook.com*, <https://www.facebook.com/MannyWisdom?fref=ts> (last visited Oct. 12, 2018).

¹⁵ Filing Information, Click Cash Marketing, South Dakota Secretary of State, *available at* <https://sosenterprise.sd.gov/BusinessServices/Business/FilingDetail.aspx?CN=074090228163196246086008219084022062181137151137>. The company was registered in South Dakota, but its principal office was a residential address in [REDACTED].

¹⁶ Rock Solid Traffic, *Home*, <http://rocksolidtraffic.co/> (last visited Oct. 12, 2018). Rock Solid Traffic states that it is “optimized to produce results for make money online and business opportunity offers.” *Id.* This language indicates that Hernandez is soliciting online multi-level marketing (MLM) businesses. MLM, or affiliate marketing, can take different forms. One of the best-known examples of MLM is a pyramid scheme. Pyramid schemes are “characterized by the payment by participants of money to the company in return for which they receive (1) the right to sell a product and (2) the right to receive in return for recruiting other participants into the program rewards which are unrelated to sale of the product to ultimate users.” *United States v. Gold Unlimited, Inc.*, 177 F.3d 472, 480 (6th Cir. 1999) (*citing Webster v. Omnitrition Int’l, Inc.*, 79 F.3d 776, 781 (9th Cir. 1996)). Furthermore, the “operation of a pyramid scheme constitutes fraud.” *Id.* Pyramid schemes “promise consumers or investors large profits based primarily on recruiting others to join their program, not based on profits from any real investment or real sale of goods to the public.” Federal Trade Commission, *Pyramid Schemes* (May 13, 1998), <https://www.ftc.gov/public-statements/1998/05/pyramid-schemes>. According to the FTC, the vast majority of participants in a pyramid will lose money before quitting or when the scheme collapses due to a lack of new recruits to sustain the scheme. *Id.*

¹⁷ Digital Altitude affiliates are representative featured customers on the Rock Solid Traffic website. Digital Altitude claims that its products teach entrepreneurs how to start profitable online businesses. Digital Altitude, *Opportunity*, <http://www.digitalaltitude.co/opportunity/> (last visited Nov. 27, 2017). Digital Altitude requires clients to become “affiliates” and pay an affiliate fee. Affiliates then earn commissions if they sell memberships to new affiliates. Affiliates are urged repeatedly to join higher tiers, with correspondingly higher fees. To become an affiliate at the highest tier, an affiliate must spend \$57,785 and \$127 in monthly fees. Mr. Hernandez, himself, was a top selling affiliate in Digital Altitude in 2016. Manny Hernandez, *Facebook.com*, <https://www.facebook.com/MannyWisdom?fref=ts> (last visited Oct. 12, 2018). He was recognized by Digital Altitude for being the seventh best affiliate in 2016. *Id.* In 2018, the FTC successfully brought an enforcement action against Digital Altitude for deceptive business practices. Press Release, Federal Trade Commission, *FTC Obtains Court Order Halting Business Coaching Scheme* (Feb. 8, 2018), *available at* <https://www.ftc.gov/news-events/press-releases/2018/02/ftc-obtains-court-order-halting-business-coaching-scheme>.

¹⁸ See Click Cash Marketing, *About*, <http://clickcashmarketing.com/about-us/> (last visited Oct. 12, 2018) (“For Email and SMS Marketing campaigns we ONLY focus on the Make Money Online, Rent to Own, Home Business, Education, and insurance verticals”). In April 2016, Mr. Hernandez posted on an online job board looking for someone to help manage text message campaigns. Click Cash Marketing, LLC, *Do you know Online Marketing and Can do Content Research?* (Apr. 19, 2016), <https://www.onlinejobs.ph/jobseekers/job/89544>. Additionally, Hernandez generates traffic via web ads and email spam. Manny Hernandez, *Facebook.com*, <https://www.facebook.com/MannyWisdom?fref=ts> (last visited Oct. 12, 2018).

and counterfeit goods sales. All of the complaints stated that the consumer did not request or authorize the text messages. Each complainant attested that his or her wireless number was used for a residential purpose. Division staff traced some of the text messages back to [REDACTED], an Internet-based commercial text messaging platform, that then identified the entities originating the text messages.¹⁹ One such entity was Click Cash Marketing, LLC. The Division then subpoenaed the text messaging platform provider for all of Hernandez's text message records for October 2016. Division staff cross-referenced seven of the complaints with the October message detail records (MDRs). The texts that consumers complained about were advertisements for the following get-rich-quick schemes:

- Bobby Get a 9,124 Check a WEek [sic] Rply HOW to start Stop 2 Stop.²⁰
- Christopher make 9,503 Month Send SURE to find out End to Stop.²¹
- Suzanne make 9,948 per Week from your phone Send YEA for details type Stop to End.²²

7. Division staff compared the seven complaints received by the Commission to the DNC. Six of the seven complaints involved residential wireless numbers listed on the registry.²³

III. APPLICABLE LAW AND VIOLATIONS

8. Based on the evidence gathered in the investigation, the Division finds that Hernandez violated the Communications Act and the Rules. Specifically, we find that Hernandez violated provisions of the TCPA and the Commission's rules that prohibit making calls to residential numbers listed on the DNC.²⁴

A. Prohibitions on Calls to Numbers Registered on the DNC

9. In 2003, the FCC revised its TCPA rules to establish, in coordination with the Federal Trade Commission (FTC), a national DNC.²⁵ By revising its TCPA rules and establishing the DNC, the Commission provided consumers with options for avoiding unwanted telephone solicitations including text messages. The Rules state that telemarketers, subject to certain exceptions,²⁶ are prohibited from initiating any telephone solicitation to "[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the Federal Government."²⁷ The Rules define a "telephone solicitation" as the "initiation of a telephone call or message for the purpose of encouraging the purchase or rental of,

¹⁹ This text messaging app allows its customers to send thousands of text messages as part of marketing campaigns or other user engagement activities. [REDACTED], *SMS Overview*, [https://www.\[REDACTED\].com/sms-api/](https://www.[REDACTED].com/sms-api/) (last visited Oct. 12, 2018) (Text Messaging Platform Website).

²⁰ Zendesk Complaint #1294718 (Oct. 31, 2016).

²¹ Zendesk Complaint #1273210 (Oct. 18, 2016).

²² Zendesk Complaint #1285716 (Oct. 25, 2016).

²³ See Attachment A (containing complaints received by the Commission).

²⁴ See 47 U.S.C. § 227(c); 47 CFR § 64.1200(c)(2).

²⁵ See 2003 TCPA Order, 18 FCC Rcd at 14034, para. 28.

²⁶ The exceptions include where the telemarketer has an established business relationship with the consumer, a personal relationship with the consumer, prior express permission to call the consumer, or is calling on behalf of a tax-exempt nonprofit organization. See *id.* at 14042-45, paras. 42-47; 47 CFR § 64.1200(f)(14)(i)-(iii). There is also a safe-harbor for telemarketers if they can demonstrate that any violations were the result of an error. *Id.* at 14040, para. 38; 47 CFR § 64.1200(c)(2)(i)-(iii).

²⁷ 47 CFR § 64.1200(c)(2). See also 2003 TCPA Order, 18 FCC Rcd at 14034, para. 28.

or investment in, property, goods, or services, which is transmitted to any person,” subject to certain exceptions.²⁸

10. The Rules apply to both interstate and intrastate calls²⁹ and cover both wireline and wireless residential subscribers.³⁰ The DNC prohibitions apply to voice calls and text messages. In numerous rulings beginning in 2003, the Commission has held that text messages are calls covered by the TCPA.³¹ The TCPA and Commission’s Rules encompass “both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls, provided the call is made to a telephone number assigned to such service.”³² This was reaffirmed most recently in the 2015 TCPA Order.³³

B. Violations of the TCPA

11. Division staff reviewed all complaints related to unwanted text messages received by the Commission during October 2016.³⁴ Seven of the complaints traced back to Hernandez—six of which involved numbers listed on the DNC.³⁵ These text messages constituted telephone solicitations as defined by the TCPA.³⁶ Hernandez’s texts were sent for the purpose of encouraging people to purchase membership into MLM businesses and other get-rich-quick schemes.³⁷ None of these complainants gave permission for Hernandez to send them text messages, nor did they have an established business relationship with Hernandez. Additionally, Click Cash Marketing, LLC is not a tax-exempt nonprofit and all of the advertised entities were for-profit MLM businesses. Thus, none of the DNC exceptions apply.³⁸ Furthermore, each complainant attested that he or she used the wireless number for residential purposes.³⁹ Hernandez’s text messages, therefore, violated the prohibition against telephone solicitations to telephone numbers registered on the DNC.

²⁸ 47 CFR § 64.1200(f)(14). *See supra* note 26.

²⁹ 2003 TCPA Order, 18 FCC Rcd at 14063, paras. 80-81. *See also* 47 U.S.C. § 152(b).

³⁰ There is a presumption that “wireless subscribers who ask to be put on the national do-not-call list [are considered] to be ‘residential subscribers.’” 2003 TCPA Order, 18 FCC Rcd at 14039, para. 36 (stating that such presumption “may require a complaining wireless subscriber to provide further proof of the validity of that presumption should we need to take enforcement action”). The Commission determined that interpreting “residential” to encompass wireless subscribers was “consistent with the overall intent of the TCPA to allow wireless subscribers to benefit from the full range of TCPA protections.” *Id.*

³¹ 2003 TCPA Order, 18 FCC Rcd at 14115, para. 165. *See supra* para. 3, note 8.

³² 2003 TCPA Order, 18 FCC Rcd at 14115, para. 165.

³³ 2015 TCPA Order, 30 FCC Rcd at 8016-17, para. 107. The Commission rejected arguments that text messages should be treated like instant messages or e-mails. *Id.* Additionally, the Enforcement Bureau released an Enforcement Advisory putting robotexters on notice that they must comply with the TCPA. *Robotext Consumer Protection: Text Message Senders Must Comply with the Telephone Consumer Protection Act*, Enforcement Advisory, DA 16-1299 (EB 2016). *See Van Patten v. Vertical Fitness Group, LLC*, 847 F.3d 1037, 1041-42 (9th Cir. 2017); *Murphy v. DCI Biologicals Orlando, LLC*, 797 F.3d 1302, 1305 (11th Cir. 2015); *Keating v. Peterson’s Nelnet, LLC*, 615 Fed.Appx. 365, 370-71 (6th Cir. 2015); *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946, 954 (9th Cir. 2009); *Hickey v. Voxernet LLC*, 887 F.Supp.2d 1125, 1129 (W.D. Wash 2012); *Lozano v. Twentieth Century Fox Film Corp.*, 702 F.Supp.2d 999, 1009 (N.D. Ill. 2010).

³⁴ *See supra* para. 6.

³⁵ *See supra* paras. 6-7.

³⁶ *See* 47 U.S.C. § 227(a)(4).

³⁷ *See supra* para. 5.

³⁸ *See id.*

³⁹ *See supra* para. 6.

12. Based on the record developed in this case, we find that Hernandez made text messages to telephone numbers listed on the DNC in violation of Section 227(c) of the Communications Act and Section 64.1200(c)(2) of the Rules.⁴⁰

C. Joint and Several Liability

13. We attribute the violations found in this Citation to Mr. Hernandez in his personal capacity and jointly and severally with Click Cash Marketing, LLC and Rock Solid Traffic. While Mr. Hernandez sent the text messages from a [REDACTED] account registered to Click Cash Marketing, LLC and interacted with customers using the Rock Solid Traffic name,⁴¹ neither were legal entities at the time of the violations. Mr. Hernandez terminated Click Cash Marketing, LLC on June 20, 2016—four months prior to the violations in this Citation.⁴² Likewise, Rock Solid Traffic is not a formal legal entity—it has no corporate, partnership, or other business entity filings.⁴³ Since neither Click Cash Marketing, LLC nor Rock Solid Traffic are legal entities, Mr. Hernandez is not entitled to the protection of the corporate form and is personally liable for the violations.⁴⁴ Additionally, we treat Click Cash Marketing, LLC and Rock Solid Traffic as mere business names of Mr. Hernandez and hold each jointly and severally responsible with Mr. Hernandez, to the extent they have any independent legal existence, for the violations found in this Citation.

IV. OPPORTUNITY TO RESPOND TO THIS CITATION

14. Hernandez may respond to this Citation within 30 calendar days from the release date of this Citation by a personal interview at the Commission Field Office nearest to Hernandez's place of business.⁴⁵ Alternatively, Hernandez may elect to respond by a written statement or a teleconference with the nearest Commission Field Office or Commission Headquarters in Washington, D.C. The Commission Field Office nearest Hernandez is located in Atlanta, GA.

15. If Hernandez requests a teleconference or personal interview, contact Kristi Thompson at (202) 418-1318. We note that such teleconference or interview must take place within 30 calendar days of the release date of this Citation. If Hernandez prefers to submit a written response with supporting documentation, send the response within 30 calendar days of the release date of this Citation to the contact and address provided in paragraph below.

16. All written communications should be sent to the address below.

⁴⁰ While we recognize that Hernandez may have made more texts violating the TCPA's DNC rules, we only cite Hernandez for those text messages that we verified from complaints submitted to the Commission. If Hernandez continues to violate the TCPA and our rules, we will consider all illegal text messages made by Hernandez for purposes of imposing a forfeiture.

⁴¹ See *supra* para. 5.

⁴² See *id.*

⁴³ See *id.*

⁴⁴ See *Labadie Coal Co. v. Black*, 672 F.2d. 92, 95 (D.C. Cir. 1982) (noting that piercing the corporate veil analysis to find personal liability is only relevant "if it is established that the corporate entity itself exists"). See also *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Notice of Apparent Liability, 32 FCC Rcd 5418, 5427-28 para. 27 (2017).

⁴⁵ See 47 U.S.C. § 503(B)(5) (stating that a citation notice must give "reasonable opportunity for a personal interview").

Kristi Thompson, Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Rm. 4-C220
Washington, DC 20554
Re: EB-TCD-17-00024357

17. Upon request, the Commission will make reasonable accommodations for persons with disabilities. If applicable, Hernandez should provide a description of the accommodation required, and include as much detail as possible, and also provide a telephone number and other contact information. Hernandez should allow at least five business days advance notice; last minute requests will be accepted, but may be impossible to fill. Hernandez should send an e-mail to fcc504@fcc.gov or call the FCC's Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty);

For accessible format materials (braille, large print, electronic files, and audio format
202-418-0531 (voice), 202-418-7365 (tty).

18. We advise Hernandez that it is a violation of Section 1.17 of the Rules⁴⁶ for any person to make any false or misleading written or oral statement of fact to the Commission. Specifically, no person shall:

(1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and

(2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.

19. Further, the knowing and willful making of any false statement, or the concealment of any material fact, in reply to this Citation is punishable by fine or imprisonment.⁴⁷

20. Violations of Section 1.17 of the Rules or the criminal statute referenced above may result in further legal action, including monetary forfeitures pursuant to Section 503 of the Act.⁴⁸

21. Finally, we warn Hernandez that, under the Privacy Act of 1974,⁴⁹ Commission staff will use all relevant material information before it, including information disclosed in interviews or written statements, to determine what, if any, enforcement action is required to ensure your compliance with the Act and Rules.

V. FUTURE VIOLATIONS

22. If, after receipt of this Citation and the foregoing opportunity to respond, Hernandez

⁴⁶ 47 CFR § 1.17.

⁴⁷ 18 U.S.C. § 1001.

⁴⁸ 47 U.S.C. § 503(b).

⁴⁹ 5 U.S.C. § 552a(e)(3).

again violates Section 227(c) of the Act and Sections 64.1200(c)(2) of the Rules by engaging in conduct of the type described herein, the Commission may impose sanctions for each such violation. For example, the Commission may impose monetary forfeitures of up to \$19,639 per violation of Section 227.⁵⁰ Further, as discussed above, the Commission may assess forfeitures on both the conduct that led to this Citation and the conduct following it.⁵¹

VI. ORDERING CLAUSE

23. **IT IS ORDERED** that a copy of this Citation shall be sent by first class mail and certified mail, return receipt requested, to Emanuel Hernandez, Click Cash Marketing, LLC, and Rock Solid Traffic, [REDACTED] and [REDACTED].

FEDERAL COMMUNICATIONS COMMISSION

Kristi Thompson
Division Chief
Telecommunications Consumers Division
Enforcement Bureau

⁵⁰ 47 CFR § 1.80. See *Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 18-12, (Jan 5, 2018).

⁵¹ See *supra* para. 2.